

216

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46337-2023

Date of Decision: 20.09.2023

Gokul @ Vivek Sharma and
another

...Petitioners

vs.

State of Punjab and another

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. S.K.Choudhary, Advocate
for the petitioners.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Gurmet Singh Bhinder, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to them in case FIR No.68 dated 05.07.2023 registered under Sections 324 and 34 of IPC (Sections 326, 307 IPC added later on), at Police Station Sadar, District Pathankot.

2. Learned counsel for the petitioners submits that the petitioners were arrested in the present case on 06.07.2023 and are in custody since then. The next contends that as per the case of the prosecution, the role attributed to petitioner No.1 is that he had called the complainant at the place of occurrence, whereas, as per the case of the prosecution, petitioner No.2 was carrying a *kirpan*, but no injury was attributed to him. Learned counsel further contends that the injury, which attracted the offence under Section 307 IPC, is attributed to Akshay Kumar, non-applicant. The challan in the present case has

already been presented and the case is listed on 03.10.2023 for framing of charges. Learned counsel further refers to Annexure P-2, a compromise deed, to contend that the parties have already compromised the matter.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioners on the ground that the petitioners and their co-accused had caused serious injuries to the injured and the petitioners do not deserve the concession of bail.

4. Mr. Gurmej Singh Bhinder, Advocate has put in appearance on behalf of respondent No.2, by filing his Power of Attorney and submits that he has no objection, in case the prayer made by the petitioners is ordered to be allowed.

5. I have heard the learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioners are in custody since 06.07.2023 and the matter has been amicably settled between the parties vide compromise deed (Annexure P-2). Further, the challan has already been presented in the present case and further detention of the petitioners would not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

20.09.2023

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(N.S.SHEKHAWAT)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No